

**REMARKS**

In the Final Office Action dated March 25, 2008 and the Advisory Action dated June 13, 2008, it is noted that claims 1, 3-7, 11, 12, and 18-29 are pending.

By this response, claims 1 and 11 have been amended and claims 4 and 21-29 have been cancelled without prejudice.

The Office Action rejects claims 1, 3-7, 11, 12, 18-29 under 35 U.S.C. §103(a) over U.S. Patent 6,408,435 to Sato (hereinafter “*Sato*”) in view of U.S. Patent 5,410,326 to Goldstein (hereinafter “*Goldstein*”). Claims 4 and 21-29 have been cancelled. This rejection is respectfully traversed.

Claims 1 and 11 are independent claims. Claims 3, 5-7 and 18 depend directly from claim 1 and claims 12 and 19-20 depend directly from claim 11. Claim 11 includes features substantially similar to those included in claim 1. The remarks below will be directed to claim 1 and will be understood to pertain equally to claim 11 as well.

The Sato and Goldstein references have been addressed in the responses to prior Office Actions. As a result, the prior remarks related to those references will not be repeated herein and are incorporated herein in their entirety for the sake of brevity in this response.

In rejecting the features of claim 4, now included in amended claim 1, the present Office Action and the Advisory Action cite Sato at col. 7, lines 7-13 to allegedly show that extracting is performed in dependence on a time parameter. That passage from Sato is reproduced below as follows:

*Registration of electronic devices may be done through the personal computer 21, for example. Registration may be made either upon installment of the audio/visual system or each time when a user sets his audio/visual devices in desired modes of operation, referring to on WWW pages. Also, the registration may be done on the part of the interface box 25.*

A passage cited in the Advisory Action for a similar purpose is from col. 6, lines 49-65, and is reproduced below as follows:

*... Even for devices from the same manufacturer, codes and carriers are often different among types of devices and those having different fabrication dates. The code storage portion 52 stores all code data of all devices of different manufacturers as shown in FIG. 9.*

*In FIG. 8, a command prepared on a WWW page for setting electronic devices in desired modes of operation is sent from the personal computer 21 to the interface box 25. The command is applied to a controller 51 via an*

*interface 53. The controller 51 interprets the command, and a corresponding code data is read out from the code storage portion 52. Output from the code storage portion 52 is supplied to an infrared signal generator 54 which, in turn, generates an infrared signal of the code and carrier determined by the code data.*

*As referred to above, codes and carriers for controlling electronic devices are different among different manufacturers and even among different devices from the same manufacturer depending on types and dates of fabrication.*

Nowhere in the cited passages from Sato is there any teaching, showing, or suggestion related to determining a code for graphically representing a controllable feature of the appliance on the GUI of the control device includes extracting a device control profile depending on at least one of: a location parameter representing a location of the appliance, a location parameter representing a location of the control device, a location parameter representing a location of a user, a time parameter representing a time of day, a time parameter representing a season of the year, a user profile, and an inventory of appliances of a user, as defined in amended claim 1. In the first cited passage, Sato appears to require the user's physical interaction through the computer to register the electronic devices. This registration appears to allow commands to be interpreted and converted to codes and carriers for the individual registered electronic devices. The codes discussed in this section have no relationship at all to a graphical representation of a controllable feature of the electronic device on the GUI of the control device.

It has been suggested that this passage relates to the dependence on a time parameter. To be sure, the passage does state the term, "each time". But the use of the term in this context relates solely to the frequency for registration of the electronic devices. There is no suggestion that a time parameter is identified or used as part of the registration. Therefore, there is no suggestion that the registration, in any way, involves the extraction of a device control profile performed in dependence on a time parameter representing a time of day or a time parameter representing a season of the year, *inter alia*, as defined in amended claim 1.

In the second cited passage, Sato again discusses codes. But, just as with the prior passage, Sato's codes are not even remotely related to graphically representing a controllable feature of the appliance on the GUI of the control device. Rather, the codes in this passage are used together with the carriers, "for controlling electronic devices with infrared signals." *See Sato at col. 6, lines 45-47.*

From a careful review of Goldstein, Goldstein is also silent with respect to these features. Therefore, it is submitted that the combination of Sato and Goldstein fail to teach, show, or

suggest all the elements of claim 1 and the claims dependent thereon. Since claim 11 includes features similar to those discussed above for claim 1, it is also submitted that Sato and Goldstein fail to teach, show, or suggest all the elements of claim 11 and the claims dependent thereon. That is claim 11 recites: in dependence upon at least one of: a location parameter representing a location of the appliance, a location parameter representing a location of the control device, a location parameter representing a location of a user, a time parameter representing a time of day, a time parameter representing a season of the year, a user profile, and an inventory of appliances of a user.

In rejecting the features in claim 6, the present Office Action cites Sato at col. 6, lines 40-66, reproduced in part above. Nowhere in the cited paragraphs from Sato is there any teaching, showing, or suggestion that editing of the code is enabled, as defined in claim 6. In the cited passage, Sato appears to suggest code data storage of the code data received from WWW pages of the manufacturer. But there is not even a remote suggestion that the code received from the device manufacturer over the WWW pages can be edited by the recipient.

Further with regard to claim 6, the Advisory Action cites col. 9, lines 30-44 of Sato as teaching editing of the codes. But the Advisory's reliance on this section is misplaced. First, the codes of Sato having nothing to do with the graphical representation of a controllable feature of the appliance on the GUI of the control device, as discussed above. Second, the cited passage from Sato pertains to data entry via the remote control device for controlling the electronic devices such as an air conditioner. This is akin to changing the channels of a TV with a remote control device. The underlying code of the controllable feature of the appliance on the GUI of the control device is in no way altered by this data entry. Instead, the entered data is passed on to the electronic device, such as the aforementioned air conditioner, to control its operation.

From a careful review of Goldstein, Goldstein is also silent with respect to the features of enabling editing of the code. Enablement of code editing is taught only in the present application. Therefore, it is submitted that Sato and Goldstein fail to teach, show, or suggest all the elements of claim 6.

In light of these remarks, claims 1 and 11 and the claims dependent thereon would not have been obvious to a person of ordinary skill in the art upon a reading of Sato and Goldstein, either separately or in combination. Therefore, it is submitted that independent claims 1 and 11

and their respective dependent claims 3, 5-7, 12, 18-20 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited. In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/  
By: Brian S. Myers,  
Reg. No.: 46,947  
For: Eric Bram,  
Reg. No.: 37,285

Please Address All Correspondence to:

Eric Bram, Registration No. 37,285  
Phone: (914) 333-9635